

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Robert Lee Moore,	)	
	)	
Plaintiff,	)	C/A No. 5:14-520-TMC
	)	
vs.	)	<b>ORDER</b>
	)	
Sgt. W. Church,	)	
	)	
Defendant.	)	
	)	

Plaintiff, Robert Lee Moore, proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the action be dismissed without prejudice for failure to prosecute.<sup>1</sup> (ECF No. 48). Plaintiff was advised of his right to file objections to the Report. (ECF No. 48-1). However, Plaintiff has not filed any objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to

---

<sup>1</sup> The Report's recommendation is based on Plaintiff's inability to provide his current mailing address to the court. (ECF No. 48, p. 1). By an order dated March 3, 2014, the court instructed Plaintiff to provide the court with his current address, and informed him of the consequences for failing to do so. (ECF No. 9, p. 2). Mail sent to the address that Plaintiff provided to the court has been returned as undeliverable, including the magistrate judge's Report. (ECF Nos. 45, 51).

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the court adopts the Report (ECF No. 48) and incorporates it herein. Accordingly, this action is **DISMISSED** without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982). *See Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

**IT IS SO ORDERED.**

s/Timothy M. Cain  
Timothy M. Cain  
United States District Judge

November 14, 2014  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.